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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **ARAKI et al.**

Serial No.: **U.S. Application No. 09/806,925**

Group Art Unit: **1651**

Filed: **June 20, 2001**

Examiner: **Ruth A. Davis**

Fee only

For: **PREVENTATIVES OR REMEDIES FOR INFECTION,
ANTI-ENDOTOXIN AGENTS, VACCINE ADJUVANTS
AND GROWTH PROMOTERS**

AMENDMENT AND RESPONSE TO FINAL REJECTION

Mail Stop RCE
Assistant Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the Final Rejection dated April 21, 2005, relating to the above-identified application, Applicant hereby requests reconsideration of the rejections for the reasons given below. This response is considered timely since it is being filed within six-months of the issuance of the Final Rejection and a petition for a three-month extension of time and the extension fee are enclosed herewith. Entry of the amendments made herein is also requested on the basis that this response accompanies a Request for Continued Examination (RCE).

Should it be determined that a fee is due, the Director is authorized to charge such a fee to Deposit Account No. 50-0462

Please amend the above-identified application as set forth below.

Amendments in the Claims are shown in the list of claims that begins on page 2 of this paper.

Remarks/Arguments begin on page 9 of this paper.

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I certify that this document, along with any other document referred to as being attached is being deposited with the U.S. Postal Service on October 20, 2005 as first class mail under 37 C.F.R. § 1.8 and is being addressed to Mail Stop RCE, Commissioner for Patents, P.O. Box, 1450, Alexandria, VA 22313-1450.

NATALIE SORRENTINO
Name of person signing document

Natalie Sorrentino
Signature of person signing document

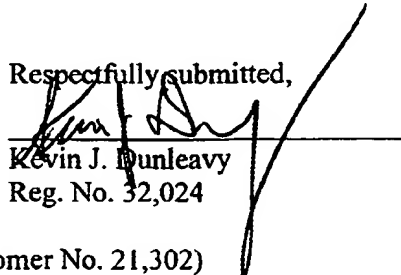
polymerization of the saccharides by maintaining temperatures below 120°C, whereas Bermudez desires polymerization of saccharides and thus includes heating step (iii). Also, although Fig. 2 of Kawai references absorption of light at 420 nm, Kawai does not teach or suggest that by selecting an extract that absorbs light at 420 nm, a product could be obtained having beneficial effects against a disease caused by either an *Escherichia coli* infection or a Pseudorabies infection. Rather, Kawai only suggests that its products can be used as deodorizing compositions. Accordingly, favorable consideration and withdrawal of the rejection of claims 156-162 and 185-191, as amended, is requested.

Finally, in the Final Rejection on page 11, last paragraph the Examiner alleges that the claims read on eating sugar because the claimed extracts are obtained by the same methods practiced by the references to obtain sugar. The claimed method, as claimed in the amended claims, clearly does not read on eating sugar because the claimed method expressly requires that the sugar cane-derived extract which is administered must contain less saccharide than the material from which it is extracted. This claim limitation clearly differentiates the present invention from eating sugar since methods practiced to obtain sugar from sugar cane will increase the saccharide content of the material, since the saccharides are the desired product of such methods. In contrast, the claims of the present application all require that the saccharide content be decreased by the extraction process, thereby clearly differentiating the extraction process and resultant product of the present invention from extraction processes used to obtain sugars (saccharides) from sugar cane and the resultant sugar products.

Favorable consideration, entry of the amendment and issuance of a Notice of Allowance are solicited. Should the Examiner have any questions she is encouraged to call the Applicant's representative listed below.

Dated: October 20, 2005

Respectfully submitted,


Kevin J. Dunleavy
Reg. No. 32,024

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PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number

09806925

APPLICATION AS FILED – PART I

(Column 1)

(Column 2)

SMALL ENTITY

OR

OTHER THAN
SMALL ENTITY

FOR	NUMBER FILED	NUMBER EXTRA
BASIC FEE (37 CFR 1.16(a), (b), or (c))		
SEARCH FEE (37 CFR 1.16(k), (l), or (m))		
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))		
TOTAL CLAIMS (37 CFR 1.16(l))	minus 20 =	*
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*
APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).	
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))		

RATE (\$)	FEE (\$)
X =	
X =	
TOTAL	

RATE (\$)	FEE (\$)
X =	
X =	
TOTAL	

* If the difference in column 1 is less than zero, enter "0" in column 2.

APPLICATION AS AMENDED – PART II

(Column 1)

(Column 2)

(Column 3)

SMALL ENTITY

OR

OTHER THAN
SMALL ENTITY

AMENDMENT A		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total (37CFR 1.16(i))	* 52	Minus	** 60	= 0
	Independent (37 CFR 1.16(h))	* 4	Minus	*** 4	= 0
	Application Size Fee (37 CFR 1.16(s))				
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))				

RATE (\$)	ADDITIONAL FEE (\$)
X =	
X =	
TOTAL ADD'L FEE	

RATE (\$)		ADDITIONAL FEE (\$)
X	=	
X	=	
TOTAL ADD'L FEE		

10-2405

(Column 1)

(Column 2)

(Column 3)

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AMENDMENT B		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total (37 CFR 1.16(i))	*	37	Minus	** 60 = 0
	Independent (37 CFR 1.16(h))	*	7	Minus	*** 4 = 3
	Application Size Fee (37 CFR 1.16(s))				
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))					

RATE (\$)	ADDITIONAL FEE (\$)
x 25 =	
x 100 =	
TOTAL ADD'L FEE	

RATE (\$)	ADDITIONAL FEE (\$)
x 50 =	
x 200 =	600
TOTAL ADD'L FEE	600

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

**** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".**

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PATENT APPLICATION FEE DETERMINATION RECORD
Effective January 1, 2003

Application or Docket Number

09/806 925

CLAIMS AS FILED - PART I

	(Column 1)	(Column 2)
TOTAL CLAIMS		
FOR	NUMBER FILED	NUMBER EXTRA
TOTAL CHARGEABLE CLAIMS	60 minus 20=	* 40
INDEPENDENT CLAIMS	minus 3 =	* 1
MULTIPLE DEPENDENT CLAIM PRESENT <input type="checkbox"/>		

* If the difference in column 1 is less than zero, enter "0" in column 2

CLAIMS AS AMENDED - PART II

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total	* 30	Minus ** 60	= 0
Ind p ndent	* 2	Minus ***	= 0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total	* 30	Minus ** 60	= 0
Ind p ndent	* 2	Minus *** 4	= 0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT C	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total	* 50	Minus ** 60	= 0
Independent	* 4	Minus *** 4	= 0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

SMALL ENTITY TYPE ☐

OR OTHER THAN SMALL ENTITY

RATE	FEE		RATE	FEE
BASIC FEE	\$375	OR	BASIC FEE	\$750
X\$ 9=		OR	X\$18=	720
X42=		OR	X84=	80
+140=		OR	+280=	
TOTAL		OR	TOTAL	1550

SMALL ENTITY OR OTHER THAN SMALL ENTITY

RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
X\$ 9=		OR	X\$18=	
X42=		OR	X84=	
+140=		OR	+280=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
X\$ 9=		OR	X\$18=	
X42=		OR	X84=	
+140=		OR	+280=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
X\$ 9=		OR	X\$18=	
X42=		OR	X84=	
+140=		OR	+280=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20."

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3."

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.